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Strengthening the coordination of emergency humanitarian assistance of the United Nations

Report of the Secretary-General

Summary

The present report addresses the theme of "Strengthening of the coordination of United Nations humanitarian assistance, with particular attention to humanitarian financing and effectiveness of humanitarian assistance and the transition from relief to development".

The report examines some of the key humanitarian developments and challenges of the past year. Some of the issues addressed relate to the protection of civilians, internally displaced persons, contingency planning, natural disasters and HIV/AIDS in the context of emergencies. The report then provides a detailed analysis of the two main themes of the report and addresses the major challenges faced in the context of the transition from relief to development and humanitarian financing.

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Introduction

1. The present report has been prepared pursuant to General Assembly resolution 46/182 of 19 December 1991, in which the Assembly requested the Secretary-General to report annually to the Assembly and the Economic and Social Council on the coordination of emergency humanitarian assistance. The report is also submitted in response to the requests contained in Assembly resolution 57/153 of 16 December 2002 and Council resolution 2002/32 of 26 July 2002 on the strengthening of the coordination of emergency humanitarian assistance of the United Nations.

I. Humanitarian situation, 2002-2003

Humanitarian developments and challenges

2. Developments in the humanitarian environment during the past year have been mixed. There are positive indications — albeit to varying degrees — that long-standing conflicts in Afghanistan, Angola, Burundi, Sierra Leone and the Sudan might be moving towards resolution. However, there has also been a re-emergence of conflict in Liberia and an outbreak of civil war in Côte d'Ivoire, further complicating the situation in West Africa. In other parts of the world, including Colombia, the Democratic Republic of the Congo, Somalia and the Occupied Palestinian Territory, protracted conflicts continue to deepen the humanitarian suffering of civilians. Most recently, the attention of the world has been focused on the war in Iraq, where the importance of promoting principled interaction with the occupying Power has presented a key challenge to humanitarian coordination.

3. There has been an aggravation of the ravages of drought and food shortages in the Horn of Africa and southern Africa by human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), a development that has challenged the humanitarian aid community to rethink its approach to humanitarian emergencies exacerbated by the epidemic. In the area of natural disasters, improvements in operational tools need to be reinforced by greater cooperation between the international community and national and regional response actors so as to ensure better synergies in disaster management.

4. The humanitarian community continues to focus its response to these diverse crises around ensuring that assistance and protection are provided to affected populations in accordance with the humanitarian principles of independence, neutrality and impartiality. The ultimate goal is to ensure that durable solutions are found, thus setting the stage for sustainable development. This requires collaborative partnerships among the humanitarian community, Governments and local actors. The contribution of regional organizations to humanitarian assistance efforts is becoming increasingly important.

5. Ensuring that humanitarian staff are able to operate in safe and secure environments is one of the more prominent operational prerequisites of the successful delivery of humanitarian assistance. Secure humanitarian access needs to be coupled with adequate, flexible and predictable resources in order to ensure that humanitarian aid is timely, adequate and effective. Reliable information, heightened advocacy efforts and effective contingency planning, taking into account the

regional effects of crises, are also needed to support effective humanitarian assistance.

6. In the context of these humanitarian developments and challenges, a number of issues, such as the transition from relief to development, humanitarian financing, protection of civilians, internally displaced persons (IDPs) and HIV/AIDS in the context of emergencies, would benefit from the attention of Member States. These and other key issues are discussed in the body of this report.

1. Protection of civilians

7. The protection of civilians in armed conflict continues to be a priority issue across the United Nations system. To a large extent, humanitarian crises are in fact crises of protection. Effective implementation of the principles of protection and international human rights and humanitarian standards requires strengthened coordination on a wide range of issues, including the proliferation of small arms and landmines, disarmament, demobilization and reintegration of combatants, security, law and order, sexual exploitation of women and children in conflict, the rights and special needs of refugees and internally displaced persons and the restorative justice issues of impunity and property rights.

8. Pivotal to the protection of civilians in a number of current complex emergencies is the need to obtain unhindered and sustained access to populations in need. In both Côte d'Ivoire and Liberia, access to populations in need is severely limited, especially in areas controlled by rebels. (Currently, less than 30 per cent of Liberian territory is accessible to humanitarian workers.) In the Occupied Palestinian Territory, closures and curfews imposed by Israel in response to suicide bombings and other attacks continue to impact adversely on humanitarian access and the protection of civilians more generally. Despite assurances received from Israeli authorities, access remained difficult for humanitarian agencies. The humanitarian situation in the Occupied Palestinian Territory has continued to deteriorate since the mission of the Secretary-General's Personal Humanitarian Envoy in August 2002. Restrictions on movement, the concomitant loss of access to services for the satisfaction of basic needs and the destruction of houses and other infrastructure serve to increase levels of civilian suffering. In the Republic of Chechnya of the Russian Federation, the main focus has been on upholding the principle of voluntary return, especially for the 15,000 internally displaced persons still in camps in Ingushetia, on the need to allow access to registration for civilians who have sought refuge in Ingushetia, and on the need to protect civilians caught in the midst of the conflict in Chechnya itself.

9. In longer-term conflicts, the protection-of-civilians agenda offers the formula of collective framework agreements between the parties to the conflict and the international humanitarian community as a way of allowing safe and sustained access to those in need. Operation Lifeline Sudan, which provides an operational framework within which United Nations bodies and non-governmental organizations in the Sudan may secure access to civilians impartially and equitably regardless of their location, provides a good model for such framework agreements. Even where such framework agreements exist, however, ensuring implementation and accountability of both State and non-State actors remains a challenge.

10. A series of regional workshops on the protection of civilians convened for southern Africa, South-East Asia and Europe identified their main protection

concerns, which were the need to separate civilians from armed elements and the impact of terrorism and counter-terrorism initiatives on the protection of civilians. The intermingling of combatants with civilian communities is an increasingly urgent concern. During complex emergencies and the subsequent transition to peace, cooperation between neighbouring States in order to combat this problem can be vital, particularly in respect of the need for host countries to ensure that refugee camps are established at a sufficient distance from borders (in order to minimize the risks to civilians, to enhance safe humanitarian access and to facilitate security in the camps). The rise of terrorism and the range of counter-terrorism initiatives by Governments have generated a number of difficult protection issues. It is crucial that Member States respond to security threats in a manner that safeguards the rights of civilians and is in accordance with principles of international humanitarian law and human rights law. "Counter-terrorism" should not be used to justify the suppression of basic human rights.

2. Staff security

11. Safeguarding the security of humanitarian personnel remains a pivotal challenge to the United Nations and its humanitarian partners. The past year has witnessed a number of tragic losses of humanitarian staff, most notably in Liberia, with the murder in February 2003 of 3 Adventist Development and Relief Agency staff in the north and the disappearance in March of almost 200 United Nations and non-governmental organization staff members, of whom half remain unaccounted for. Four Red Cross volunteers were murdered this year in western Côte d'Ivoire; abductions of humanitarian workers have taken place in Chechnya; and humanitarian workers have been killed in the Occupied Palestinian Territory. Equally tragic incidents have taken place in Afghanistan, the Democratic Republic of the Congo, Somalia and the Sudan. These tragedies serve to illustrate the precariousness of the security environment often encountered by humanitarian staff and the dangers inherent in providing humanitarian assistance during conflict. It also reveals a disturbing trend of blatant disrespect for humanitarian work. Despite the strengthening of the United Nations security management system and the increased cooperation that is taking place between the United Nations and its non-governmental organization partners, little can be done when humanitarian personnel are sought out and specifically targeted by belligerents. It is therefore crucial that Governments and non-State actors provide stronger commitments to the humanitarian community so as to ensure that a climate of impunity does not prevail in such situations and that those responsible for attacks against humanitarian staff are promptly brought to justice.

3. Humanitarian and military relations

12. Since the early 1990s, military forces have become increasingly involved in humanitarian activities. This involvement in what traditionally has been seen as "humanitarian space" raises significant issues in respect of principles, as well as policy and operational questions. In response to this challenge, "Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies" (MCDA Guidelines)[1] were developed and released in March 2003, after an intensive consultative process involving Member States, the United Nations and the Inter-Agency Standing Committee (IASC). In recognition of the fact that the MCDA Guidelines address only one aspect of the

interface between the humanitarian community and the military, namely, the use of military and civil defence assets, IASC is examining how best to address the issue of guidance on the broader aspects of the civil-military relationship in humanitarian crises.

13. The issue of civil-military relations has been brought to the fore most recently in the context of Iraq, where there has been a need to balance the responsibilities, under the Geneva Convention relative to the Protection of Civilian Persons in Time of War,[2] of the Coalition Forces, as the occupying Power, against the traditional role of the United Nations and other organizations providing humanitarian assistance. An important development in this context was the endorsement and release by the Secretary-General in March 2003 of "General Guidance for Interaction between United Nations Personnel and Military and Civilian Representatives of the Occupying Power in Iraq" (General Guidance for Iraq).[3] This document addresses the gap that has long been a crucial issue for United Nations humanitarian bodies and constitutes a significant step forward in terms of clarifying the parameters of the relationship on the ground.

4. Update on internally displaced persons

14. Nascent peace has created opportunities to substantially improve the lives of internally displaced persons in places as diverse as Afghanistan, Angola, Sierra Leone and Sri Lanka. In the wake of recent moves towards peace, large numbers of internally displaced persons and refugees have returned home in each of these countries. Lack of access to land and inadequate property rights, however, pose a significant challenge to IDP, refugee and returnee protection and assistance in transitional settings. In many instances, land and property have been taken over by elites, military leaders or other ethnic groups, risking tension and jeopardizing the stability of peace processes. Inadequate property rights and insecure access to land can exacerbate a returnee's level of vulnerability. Women in traditional societies are particularly affected. The fact that they are often discriminated against in terms of inheritance rights and access to property and as a result are deprived of an economic base, leads to poverty for themselves and their children. More generally, returnees who have no certainty of sustained access to the same piece of land are unlikely to make investments to increase agricultural productivity and food security. An uncertain future may also encourage the migration of returnees to urban areas, where they become mired in extremely poor living conditions.

15. In many post-conflict cases, judicial institutions are often weak and unable to provide recourse. Angola, however, has in place a legal framework based on its Constitution, international legal instruments and the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex) that is beginning to deal with some of the difficult issues surrounding protection of and assistance to internally displaced persons during transition. The Norms on the Resettlement and Return of Displaced Populations, along with their more detailed *regulamento*, specify the preconditions and social targets related to State administration, land, health, water, sanitation and education that must be achieved during resettlement and return. Originally crafted with support from the United Nations to address poor conditions in resettlement areas, these laws have continued to be useful during return and have framed discussion on the types of post-conflict assistance needed.

16. Nonetheless, as has been the case with the robust legal framework that exists in Colombia, implementation of the Norms has been inconsistent. Only about 50 per cent of IDP resettlements and 30 per cent of IDP returns are consistent with the preconditions specified. Part of the difficulty in achieving greater implementation has been a lack of government capacity at provincial, municipal and local levels. Support and funding for this type of capacity-building are frequently low, despite its critical role in the creation of sustainable conditions for return.

17. This challenge, like others associated with IDP protection and assistance in times of both emergency and transition, underscores the importance of a collaborative approach, given the global dimensions of internal displacement. The range of activities required to support and protect IDP populations, particularly in transition, are considerable — for example, establishing legal frameworks that secure property rights, supporting government capacity-building, restoring livelihoods and providing basic social services. The inter-agency Internal Displacement Unit, whose mandate was extended for the year 2003, supports country teams with the development of collaborative approaches in the field. Recently, the Unit has provided support in Afghanistan, the Democratic Republic of the Congo and Iraq. It provides specialized advice to resident/humanitarian coordinators, develops common training and facilitates the development of strategies and agreed frameworks. The Unit and the Representative of the Secretary-General on internally displaced persons are working to promote system-wide improvements in response; and the Unit is also pursuing efforts to develop parameters for a collaborative approach to help make IDP-related activities more predictable.

5. Gender mainstreaming

18. The need for greater integration of a gender perspective into emergency humanitarian assistance continues to be an important challenge confronting the United Nations, its humanitarian partners and Member States. IASC and its constituent members have developed a range of policies, strategies and guidelines aimed at ensuring that the issue of gender perspectives and the needs, priorities and experience of women and girls are consistently addressed by all personnel involved in humanitarian operations. The challenge remains of ensuring full implementation and utilization of those methods and tools. Concrete measures aimed at systematically integrating a gender perspective into the full range of emergency operations, from their initial stages, are critical to the effective targeting of emergency humanitarian assistance on the ground. Of particular concern is the need for enhanced protection capacities for women and girls in refugee and IDP camps. Integration of a gender perspective is equally vital to the effectiveness of post-conflict reconstruction processes. It is essential that efforts to mainstream gender recognize women not only as victims of complex emergencies, but also as an important key to their solution.

6. Protection from sexual exploitation and abuse

19. The problem of sexual exploitation and abuse remains one of the most pressing issues arising in complex emergencies and armed conflicts. In July 2002, IASC adopted the Plan of Action prepared by the Task Force on the Protection from Sexual Exploitation and Abuse in Humanitarian Crises,[4] which established six core principles representing minimum standards of behaviour expected of all United

Nations civilian staff members. A draft Secretary-General's bulletin that will further institutionalize the six core principles through their incorporation into the codes of conduct and staff rules and regulations of all member organizations is currently being finalized. The Task Force is continuing to work on appropriate disciplinary procedures to be followed in the event of a breach of these principles. Several Member States are formally adopting policies requiring incorporation of the core principles into their own agreements with operational partners, as encouraged by the Plan of Action. Humanitarian agencies outside the United Nations system are engaged in similar efforts to adopt or revise their own codes of conduct.

20. Efforts to address the problem of sexual exploitation and abuse in humanitarian crises need to be reinforced by concrete action on the part of Member States if they are to be truly effective. The incorporation of the core principles into standards and codes of conduct for national armed forces and police forces, and the insistence by donor countries that all of their implementing partners include the core principles in their codes of conduct prior to release of donor funding, would facilitate this goal considerably. Another important measure for Member States would be to apply appropriate follow-up action in response to allegations of sexual abuse and exploitation by their troops and to report to the Security Council on the action taken.

7. Emergency preparedness and contingency planning

21. Proper preparedness and contingency planning, including improved early warning capacity to identify possible disaster and crisis risks, are essential elements of an effective response to a natural disaster or complex humanitarian emergency. IASC has played a pivotal role in leading inter-agency processes that developed and endorsed the "Inter-Agency Contingency Planning Guidelines for Humanitarian Assistance" (Contingency Planning Guidelines). The United Nations has also been strengthening the early warning tools and capacities of relevant departments and agencies, as well as country teams, to enable them to better plan for primary and secondary scenarios.

22. The regional contingency planning and preparedness effort that the United Nations and its partners undertook prior to the war in Iraq was a comprehensive and resource-intensive exercise. IASC played a key role in ensuring the development of contingency plans in and around Iraq that allowed agencies to pre-position supplies (a task hindered by the lack of advance contributions from donors) and to pre-deploy key response personnel. It also set the scene for close collaboration between the resident coordinators, United Nations organizations, the Red Cross Movement, the International Organization for Migration (IOM) and non-governmental organizations. Other important aspects of the contingency planning included the early launch of a preparedness "flash appeal" for Iraq, the deployment of humanitarian affairs officers in neighbouring countries, and the early establishment of common services, the Joint Logistics Centre, humanitarian air services, the Humanitarian Information Centre (HIC), the Integrated Regional Information Network (IRIN) and online coverage on ReliefWeb.

23. Improved coordination between members of IASC in preparedness and contingency planning remains a key objective for other complex emergencies. The incorporation of inter-agency contingency plans into the existing planning of United Nations country teams, based on the Contingency Planning Guidelines and common

assessments of levels of humanitarian risk, would strengthen their capacity to respond to natural disasters and complex emergencies. Enhanced coordination with donor planning in order to ensure a consistent and comprehensive response to humanitarian crises is an equally important goal.

8. Natural disasters

24. The occurrence of natural disasters has more than tripled over the last three decades, with an increasing number of people affected as a consequence. During that same period, however, there has been a dramatic decline in the number of deaths from natural disasters. The decline in casualties can be attributed in part to anticipation of potential catastrophes, including recurring natural disasters, based on knowledge of hazardous conditions and possible destructive events, and investment in protective measures. Nonetheless, lack of capacity to reduce the impact of natural hazards and environmental emergencies, especially in developing countries, remains a major hurdle.

25. The actions of Governments and civil society, with support from the international community, have demonstrated that appropriate interventions in disaster reduction can lead to a measurable reduction in disaster impact. In the case of Ethiopia, protective measures undertaken by the Government in cooperation with the international community helped reduce the scale of the food crisis. Key factors in the response included an efficient and credible government early warning system, the active involvement of donors in the assessment process from the very beginning of the drought crisis, and early advocacy by the Government, United Nations organizations, non-governmental organizations, donor representatives and the media.

26. Experience has shown that the response to the threat of natural disasters requires coherent coordination and greater synergies among humanitarian and other actors. In order to improve comprehensive disaster management, a tripartite assessment was conducted by the United Nations Development Programme (UNDP)/Office for the Coordination of Humanitarian Affairs of the United Nations Secretariat/International Strategy for Disaster Reduction to strengthen coordination and cooperation at the national and international levels. The Office for the Coordination of Humanitarian Affairs and the United Nations Environment Programme (UNEP) also launched a new global partnership at the World Summit on Sustainable Development on an "Integrated Approach to Prevention, Preparedness for and Response to Environmental Emergencies in Support of Sustainable Development", which will also contribute to the objective of improving disaster management. Coordination in the European context has been enhanced by the Fribourg Process, which has enabled structured dialogue between the Office for the Coordination of Humanitarian Affairs, Member States, regional and international organizations and non-governmental organizations to promote coherence and complementarity in crisis management and humanitarian action.

27. The Office for the Coordination of Humanitarian Affairs has continued to develop its coordination tools for natural disasters, such as the United Nations Disaster Assessment and Coordination (UNDAC) teams, and the International Search and Rescue Advisory Group. In 2002-2003, two UNDAC induction courses in Asia expanded the UNDAC system to this region. Work is also being undertaken with Member States in the implementation of General Assembly resolution 57/150

of 16 December 2002 to further improve the response and coordination of international search and rescue teams.

28. The International Federation of Red Cross and Red Crescent Societies is in the process of collecting and examining hundreds of existing international disaster response law provisions and other instruments in order to promote their improved harmonization and implementation. This exercise will also identify any gaps or inadequacies, which could become the subject of future examination by the international community so as to further strengthen the legal and policy framework surrounding international disaster response activities.

9. HIV/AIDS in emergencies

29. The HIV/AIDS epidemic has introduced and firmly established a new complexity in humanitarian crises which requires the rethinking and redefinition of traditional humanitarian assistance. The lessons of southern Africa illustrate that short-term humanitarian assistance programmes must be supported by concomitant emergency development interventions. Programming tools such as needs assessments, vulnerability analyses, the design of food rations and other nutrition-related activities are being adjusted in order to reflect this new reality.

30. For those countries affected by the combination of famine and HIV/AIDS, sustainable recovery is undermined owing to the breakdown of family support networks, decline in production and loss of income leading to greater impoverishment. Of particular concern is the fact that HIV/AIDS disproportionately affects women and girls, who globally account for more than 50 per cent of new HIV infections. In Africa, women also account for 70 per cent of the agricultural labour force and are responsible for 80 per cent of the food production. The role of national actors as well as regional bodies such as the Southern African Development Community (SADC), which has been at the centre of the response, will continue to be crucial to alleviating the crisis in southern Africa. Strong political commitment and leadership, recognizing and protecting the rights of people living with HIV/AIDS, are also crucial in promoting an effective, long-term response to the epidemic.

31. The missions of the Secretary-General's Special Envoy for Humanitarian Needs in Southern Africa have highlighted the devastating impact of HIV/AIDS when combined with other causes of vulnerability such as erratic rainfall, chronic poverty and poor policy environments. United Nations bodies are working together in the Regional Inter-agency Coordination Support Office (RIACSO) to raise awareness and emphasize the need to move beyond the traditional emergency response in order to find durable solutions to the situation in southern Africa. The Integrated Regional Information Network's PlusNews, an Internet-based HIV/AIDS news service for Africa, helps to address this need by reporting on community action programmes, government initiatives and the experiences of people living with HIV/AIDS.

32. Beyond the southern African crisis, the international community is deeply concerned about the spread of HIV/AIDS in situations of armed conflict. The risk of HIV infection is exacerbated by the high incidence of sexual violence and sexual exploitation in conflict situations, as highlighted in the 2002 Human Rights Watch report on sexual violence in the eastern Democratic Republic of the Congo. To facilitate a comprehensive response to HIV/AIDS in humanitarian crises, IASC is

finalizing guidelines for emergency response which will ensure the integration of the HIV/AIDS components into all relevant programming areas.

II. The transition from relief to development

A. Background

33. Transition has been a constant and evolving feature of the Economic and Social Council agenda since 1991. The 1996 report of the Secretary-General to the Council (A/51/172-E/1996/77) explained that relief and development activities often proceed at the same time, with one type of activities having an impact upon the other. By the late 1990s, the debate had shifted. The main concerns expressed in the Council were the need to avoid funding gaps that occur as development starts to re-engage and the need to forge stronger linkages between relief and development activities. Despite concerted efforts, the funding gap remains and linkages continue to be elusive. In transition, food aid and other lifesaving interventions are comparatively better funded, while other sectors that may also provide a key bridge between relief and development, such as water, health, sanitation, agriculture, education, the rule of law and good governance, remain chronically underfunded.

34. The most recent contexts suggest that successful transition entails much more than the creation of linkages. It requires a coherent strategy for restoring stability and normalcy. A joint Working Group on Transition Issues has been established by the Executive Committee on Humanitarian Affairs and the United Nations Development Group (UNDG), with the involvement of IOM, the Red Cross Movement and non-governmental organizations, to improve the coherence of the United Nations response in transition. It aims to provide clear, consolidated and timely guidance to the United Nations system, including humanitarian, political and development actors, which are appropriate in transition contexts. Through its efforts, the Working Group is addressing the issues raised in Economic and Social Council resolution 2002/32 and the report of the Secretary-General on the strengthening of the United Nations: an agenda for further change (A/57/387). The Working Group is currently in the midst of reviewing a range of United Nations responses in post-conflict transition situations. A final report, with recommendations for implementation, is expected by September 2003 and more details will be included in the Secretary-General's next report on the reform of the Organization. Already, however, a number of points have emerged from the efforts of the Working Group.

B. Elements of transition

35. One of the principal problems in successfully dealing with transition relates to the confusion caused by a lack of common definitions. The fact that Member States, humanitarians and development agencies have different views on what constitutes transition, recovery, rehabilitation and peace-building leads them to use these terms interchangeably and to apply them to a wide range of differing contexts. Broadly, however, four sorts of transition are referred to, each relating to the predominant cause of the crisis from which a country is emerging: wholesale economic transformation, sudden natural disasters, underlying structural problems and conflict. These types of transition can also occur in combination. The countries of

the Caucasus and Central Asia are undergoing massive economic transformation which has weakened the capacity of government to provide basic services just when economic disruption is increasing vulnerability. The countries of Central America have faced a number of short-lived natural disasters such as earthquakes and hurricanes. Each event has abruptly curtailed the capacity of the State to provide basic services, though usually in a localized fashion, with overall management capacity remaining undamaged. Countries in the Horn of Africa frequently face natural disaster, but here the capacity of the State to address specific underlying structural issues (such as low investment in infrastructure and in secure land tenure) has limited the food security of rural households. As a result, when drought occurs, their ability to cope is limited. Countries such as the Democratic Republic of the Congo and Liberia have endured years of conflict. Where countries experience protracted conflict, the capacity of the State is frequently weak. Long-term conflict generally transforms society — socially, through the erosion of social support structures; economically, through the development of "war economies"; and politically, through deteriorating capacity and limited accountability.

36. Given the current lack of definitional clarity, it is critical to be clear about the context of any given transition. The challenges in providing appropriate transitional assistance in natural disasters may be different from the challenges encountered during economic transformation. This year, with nascent peace in countries as varied as Angola and Sri Lanka, the challenges posed by the transition from conflict have been especially prominent.

C. Challenges

1. Appropriate assistance

37. Ensuring appropriate and timely assistance is a key challenge for humanitarian, development and political actors alike. This is especially true in post-conflict transition situations such as those in Afghanistan and Sierra Leone. Though warfare may have subsided, peace is not yet consolidated. Instability persists and a relapse into violence remains a possibility. The risk of relapse is particularly acute when regional or global influences are at work and parties to the conflict remain dissatisfied with the terms of ceasefires or peace processes. Under these circumstances, recovery assistance must do more than rebuild structures or institutions. It needs to aid in the consolidation of peace, counter the negative societal transformations that have occurred during the crisis, and counteract the tensions that led to the conflict. In other words, it must help to re-establish the enabling conditions for a functioning peacetime society.

38. Much of this recovery assistance is specific to post-conflict transition and needs to be carried out in a timely fashion. If the situation is not addressed promptly, the consolidation of peace can be undermined, as exemplified by the failure of previous demobilization efforts in Sierra Leone. This places added responsibility on government, donors and assistance-providers. Both time-bound activities and longer-term processes must be launched. Among the time-bound activities that are immediately needed alongside continued relief are disarmament, demobilization and reintegration programmes that offer former combatants a compelling alternative to the opportunities available in a war economy. Time-bound programmes are also needed to achieve the return, resettlement and reintegration of internally displaced

persons and refugees in a sustainable fashion, the revitalization of agriculture and trade, and the restoration of basic social services, all of which will help to reduce potentially destabilizing population movements. Among the longer-term processes that are needed are programmes to monitor and address new protection issues. These types of programmes are needed to avoid creating or aggravating social tensions, particularly over issues of land access, tenure and property restitution. In addition, restorative justice is needed to foster conditions for coexistence. Above all, new and multilayered efforts at capacity-building will be needed to create effective institutions of State administration which are essential to stability and normalcy and offer avenues of recourse other than violence.

2. Delivery versus support

39. Re-engaging government in the planning, management and direction of aid is a key element of all transition and a principle of effective transitional assistance. There are, however, instances during the early phases of post-conflict transition when Governments may still not have full control of their territory or the capacity to manage and support the delivery of assistance. This factor, and the capacity of civil society, will affect the extent to which relief and recovery are provided by the international community and the government. Post-conflict transition, therefore, must balance efforts to facilitate a Government's capacity to manage the assistance effort with the need to deliver assistance in a timely manner, where required and in accordance with humanitarian principles. Achieving a balance between these two needs is the fundamental challenge of post-conflict transition, and one made all the more difficult by the fact that the balance is not static. It changes in response to needs and government capacity, and it must purposefully move from substituting for government to supporting government.

3. Donor engagement

40. Donors often favour substitutive delivery of services through United Nations organizations and non-governmental organizations without also working with national structures to re-establish or build service delivery capacities, and tend towards caution for a variety of reasons. They may point to human rights as a reason for lack of interest if parties to the peace process, or parties in government, have a history of human rights abuses. Where patterns of fiscal mismanagement, natural resource exploitation or lack of transparency have been revealed, donors have shown reluctance to move away from relief assistance to support for recovery and development. They may sometimes set unnecessarily high criteria, however, and, for political reasons, may choose not to establish long-term development relationships with countries that are not considered strategic or with whom they do not have historical ties. Adequate funding for all critical sectors and support for quickly building the capacity of governance remain the key to effective transition. Earlier engagement of donors in planning processes should therefore be pursued as one avenue for overcoming donor caution and ensuring success.

4. Planning and coordination

41. Post-conflict transition strategies are by nature complex, as they need to incorporate and integrate many more dimensions than is the case in humanitarian planning and include recovery, peace-building and reconstruction elements. Planning in post-conflict transition must also involve a broader range of actors such

as peace-building and peacekeeping missions and the international financial institutions. For example, the collaborative "4Rs" initiative of the Office of the United Nations High Commissioner for Refugees (UNHCR) (repatriation, reintegration, rehabilitation and reconstruction) brings together humanitarian and development actors to address the multifaceted transition challenges so as to secure the sustainability of refugees' return to their home countries. Frequently, however, in post-conflict transition, there is a lack of clear, integrated transition strategies jointly formulated by humanitarian, development and other actors with clear steps for the scaling down and transferring of key responsibilities such as information management and donor coordination. Strategies formulated by inter-agency and United Nations country teams also frequently fail to sufficiently indicate how peace will be consolidated and how different actors can assist in that cause. Instead, planning tends to be formulated as a response to assessed needs and assumed scenarios.

42. Where Governments provide the lead but require support, as in natural disaster and structural transition, coordination is a simpler exercise. In post-conflict transition, where government capacity to manage a response is limited, more comprehensive coordination is needed. In such cases ceasefires may open new areas of responsibility, increasing the humanitarian caseload (as occurred in Angola), or precipitate large-scale return (as was the case in Afghanistan). At the same time, a substantial set of recovery activities must be launched quickly to consolidate peace.

43. Coordination will need to keep up with the demands placed on it so as to deal with increasing relief assistance, peace-building and recovery work. To establish the right mix of assistance, applied in the critical areas at the right time, requires expanded and consistent information management and the capacity to analyse a continually evolving context. Minimum standards may need to be created or established to ensure a baseline for protection and assistance appropriate to the post-conflict transition, especially on matters related to the return of displaced populations. Planning will have to become more inclusive by engaging new partners. It will need to shift from a focus on assessed needs and assumed scenarios to identifying the means by which various actors can consolidate peace. Such circumstances only serve to re-emphasize the importance of a strategic approach to coordination. The integration of government into coordination is critical and requires an investment in capacity-building and support so that government can progressively plan and coordinate assistance on its own.

44. The effective management of transition activities is critically dependent on maintaining both adequate levels of coordination and support capacity for the United Nations country team led by the resident coordinator/humanitarian coordinator. The transition planning process at country level will need to be integrated across the United Nations system and allow flexibility to mix elements from various existing planning instruments and resource mobilization tools. As such, coordination capacity will need to encompass and integrate continued expertise in humanitarian coordination as well as establish new expertise in key transitional areas such as peace-building, economic and social recovery, and the restitution of the basic institutions of civil administration and government. This level of support at the country level will be critical for the effective planning and management of transition activities but is not yet capable of being realized. Humanitarian coordinators receive effective support during emergencies which is externally and separately funded through the Consolidated Appeals Process (CAP). During the transition, there may

well be a transfer from the humanitarian coordination system to that of United Nations resident coordinators. Effective transfer of coordination that maintains appropriate levels of capacity and support will become possible only if the resident coordinator system is strengthened and provided with more flexible resources.

III. Humanitarian financing and the effectiveness of humanitarian assistance

45. Events of the past year have underlined the need to better address the way in which humanitarian needs are financed. The drought in the Horn of Africa, coupled with complex food crises in southern Africa, dramatically increased overall humanitarian assistance requirements in 2002-2003. The potential addition of increased needs in the region of West Africa as well as Iraq, where the population remains heavily dependent on external food sources, raises concerns as to whether overall levels of humanitarian assistance are sufficient to meet global levels of need.

46. In making any assessment of the trends and direction of humanitarian assistance, there are three outstanding issues that need to be addressed: whether sufficient humanitarian assistance is available in relation to need, whether humanitarian assistance is equitably distributed with regard to humanitarian principles, and whether the assistance provided is effectively managed.

47. Overall levels of humanitarian assistance have averaged approximately US$ 5.5 billion per year for the past three years.[5] This represents an apparent doubling of overall levels of humanitarian aid since 1990, when the level of humanitarian assistance was US$ 2.1 billion. However, the process of growth in humanitarian assistance has evolved in a series of phased increases, with major crises serving to increase levels of humanitarian assistance in distinct phases. The Ethiopian famine in the mid-1980s promoted a dramatic increase in humanitarian assistance. A further major increase took place in 1991 in response to another major surge in the levels of need, produced by the southern African food crisis. The Great Lakes crisis in 1994-1995 again led to increases in assistance. The Kosovo crisis in 1999 was responsible for the final step up to the current level of assistance. Frequently, food needs have been the main driver in increasing levels of response. These step increases in humanitarian assistance are generally consolidated after each major crisis and in many cases assistance may continue to fill the medium-term residual or structural gaps that result from the initial crisis. To this extent, the level of humanitarian assistance can be seen as a response to increasing need but it is also strongly driven by high levels of public concern for high-profile emergencies.

48. The growth in the volume of humanitarian assistance has occurred during a period of overall decline in the flows of official development assistance (ODA). This has resulted in humanitarian assistance's accounting for an increasing proportion of total ODA. By 2002, humanitarian assistance had accounted for 10 per cent of ODA compared with an average of less than 3 per cent of ODA between 1970-1990. This increase may be attributed not only to the high profile that humanitarian assistance enjoys but also to its value as a more flexible financial instrument for donors.

49. Over the past decade, increasing amounts of humanitarian assistance have been channelled towards longer-term emergencies. The top 10 recipients have been

consistently dominated by seven crises, for which over US$ 5 billion was received between 1995 and 2001. The remaining volume of humanitarian assistance is spread across more than 100 countries, about 40 of which receive less than US$ 1 million each year. The distribution of humanitarian assistance is uneven and not clearly distributed on the basis of need. Some countries continue to receive humanitarian assistance on a regular basis as a means of providing relief for distress and absolute impoverishment; in other cases, donors may use it as a substitute for development assistance when their domestic legislation or policies would preclude the provision of development assistance on human rights or other policy grounds. There is a risk that the levels of humanitarian assistance that are now committed to longer-term crises will limit the future growth of such assistance and limit the speed and capacity of the response to newly emerging crises.

50. The various uses of humanitarian assistance lead to a blurring of the distinction between humanitarian assistance and ODA. Indeed, the absence of agreed definitions of humanitarian assistance remains a source of problems in terms of monitoring aid performance. Currently, donors report their allocations to the Development Assistance Committee (DAC) of the Organisation for Economic Cooperation and Development (OECD), which understands humanitarian assistance to be "emergency and distress relief". This definition is broad, hence there is no consistency in the way in which donors report to DAC. For example, no distinction is made between emergency relief as opposed to rehabilitation or recovery assistance which can be seen as more developmental. Some donors may also include conflict reduction and management as part of their humanitarian activities. For this reason, further thought should be given to developing definitions that clearly define eligible flows and provide a qualitative description of humanitarian assistance.

51. Assessing the adequacy of humanitarian assistance in relation to need is a complex task. One approximate measure is provided by the level of response to the Consolidated Appeals Process. While most appeals suffer from shortfalls of assistance, the variations are considerable. In 2002, 9 out of 25 countries and regions faced shortfalls of over 50 per cent. The largest shortfalls, however, occurring in countries such as Burundi and Liberia, are over 70 per cent. By contrast, Tajikistan received contributions that covered some 94.8 per cent of requirements. Such variations call into question the equity of the distribution of humanitarian assistance and the extent to which assistance is provided on an impartial basis. The reasons for such wide variations in responding to crises relate to the fact that donor decisions to allocate resources are driven primarily not by meeting needs, but rather by domestic considerations, traditional patterns of expenditure and geopolitical interests. This pattern of donor behaviour has resulted in a patchwork of activities, which results in a loss of coherence and limits the ability to meet global humanitarian need effectively.

52. There is no consistency in the way in which humanitarian needs are assessed. This is reflected in the variation in the amounts requested per beneficiary in country appeals. In 2002, 8 out of 22 appeals requested amounts of between $20 and $50 per head, 9 requested between $50 and $100 per head, and 1 requested over $200 per head. This variation exists not just between countries but also from year to year. Needs tend to be assumed rather than diagnosed, with the result that donors mistrust the value of assessments and agencies have an insufficiently firm basis for challenging the assumptions or preferences of individual donors. As a result, humanitarian assistance is far more inequitably distributed than it should be.

53. The last decade has seen an increase in the number of channels for humanitarian assistance, as well as in the number of actors involved in the provision of humanitarian assistance on the ground. In Afghanistan, both donors and the armed forces of Member States have been directly engaged in humanitarian activities. The use of private companies working in partnership with non-governmental organizations to deliver humanitarian assistance in Iraq and elsewhere has established yet another delivery channel. Although there is as yet no clear trend demonstrating a significant increase in the volumes of assistance going through these means, this development increases the potential for duplication of activity and creates a larger challenge with respect to maintaining the coherence and integrity of humanitarian response. The greater range of actors further reinforces the need for robust coordination structures and a comprehensive and inclusive planning process in which all are engaged.

54. Recently there has been considerable variation in the proportion of assistance distributed through the United Nations system. In 1999, only 12 per cent of humanitarian assistance had been channelled through the United Nations. By 2001, this figure had risen to some 30 per cent, the highest proportion ever. To a large extent, this variation could be related to the growth in levels of food aid now moved through multilateral channels. Non-governmental agencies are the other important channel for humanitarian assistance: over $1.4 billion from both private and official sources was channelled through non-governmental organizations in 2001. Non-governmental agencies also raise and contribute significant levels of humanitarian assistance (over $500 million in 2001).

55. The effectiveness of humanitarian assistance is dependent on speed of response and predictable funding, which enable necessary humanitarian activities to be carried out promptly. However, the current nature of humanitarian finance has created a patchwork of response which is, with a few notable exceptions, rigidly linked to supporting specific elements of an emergency response at the national level. The consequences are even more serious at the global level and result in an inability to effectively address the needs of "forgotten emergencies" and mobilize resources between countries in order to ensure an improved, impartial response to need. An increased commitment by donors to principles of good donorship that recognize the importance of funding allocation in proportion to needs will help to ensure a more equitable distribution of resources. However, for international response to emergencies to be proportional to need, it will be necessary for donors to place more trust in the United Nations system of coordination and to facilitate mechanisms that assist the United Nations in responding more flexibly by increasing the level of unearmarked resources in emergencies.

IV. Observations and recommendations of the Secretary-General

56. The past year has seen progress in bringing conflict to an end for some of the world's longer-running emergencies. Despite such promising developments, however, the conflicts in West Africa, for example, continue to be a threat to the region as a whole. The challenge of protecting civilians in armed conflict remains a formidable task, especially when the humanitarian workers tasked with providing civilians with assistance are murdered and abducted. The year has also brought

about increased awareness about the effects of HIV/AIDS in the context of humanitarian emergencies, particularly the increased vulnerability that the disease can cause. The situation in Iraq has brought more focus on issues of international humanitarian law and has underlined the importance of promoting principled humanitarian interaction in order to address humanitarian needs in the country. The unique characteristics and causes of the HIV/AIDS-related crises in southern Africa as well as the situation in Iraq place the onus on the United Nations to clearly define its humanitarian role and responsibilities in such situations.

57. The importance of promoting effective coordination lies at the core of the themes related to transition and humanitarian financing. Coordination in the context of the transition from relief to development is a demanding and time-critical process, which requires the full engagement of Governments and donors at the earliest stages. In transition countries where relations and structures are created, it is critical to ensure that humanitarian processes are moved to longer-term structures. The nature of humanitarian financing is unsystematic owing to a patchwork of different policies and practices, which in turn lead to inconsistencies when meeting humanitarian needs. Major gaps occur when resources for some emergencies are insufficient to meet needs. Efforts must be undertaken to ensure that humanitarian financing is better linked with humanitarian principles. A clearer definition and understanding of what constitutes the humanitarian response and its relationship with transition and development aid are also needed. The lack of agreed definitions contributes to unevenness in the flow and quality of humanitarian assistance and also hinders the development of a coherent response to transition. A number of key processes are now in place to address this critical concern and the engagement of the international community is crucial for their success.

58. **The General Assembly and the Economic and Social Council may wish to:**

Protection of civilians

(a) **Urge Member States to safeguard principles of international humanitarian law and human rights law in their responses to security threats;**

(b) **Urge Member States and non-State actors to bring to an end the climate of impunity by ensuring that those responsible for attacks against humanitarian staff are promptly brought to justice;**

Internally displaced persons

(c) **Encourage Member States to welcome a collaborative approach and support humanitarian agencies in their continuing endeavours to provide a more predictable response on behalf of internally displaced persons;**

(d) **Encourage Member States with internally displaced persons to develop national laws, policies and minimum standards on internal displacement consistent with international standards, including the Guiding Principles on Internal Displacement;**

Gender mainstreaming

(e) **Encourage humanitarian agencies to coordinate, consolidate and promote a gender perspective in all humanitarian assistance activities and to implement existing policies, tools and guidelines on gender mainstreaming;**

Sexual violence and exploitation

(f) Urge Member States to use the "core principles" in their standards and codes of conduct for national armed forces and police forces and to take appropriate follow-up action in response to allegations of sexual violence and exploitation and, similarly, urge donor countries to insist that all of their implementing partners include the core principles in their codes of conduct prior to the release of donor funding;

Emergency preparedness and contingency planning

(g) Urge United Nations country teams to develop hazard analysis and monitoring mechanisms to identify potential crises, to develop common assessments of levels of humanitarian risk and to incorporate into their existing planning frameworks the "Inter-Agency Contingency Planning Guidelines for Humanitarian Assistance" in order to strengthen their capacity to respond to humanitarian crises;

Natural disasters

(h) Stress the need for increased national and regional capacity-building in early warning and monitoring of natural hazards, natural disaster preparedness, mitigation and response by strengthening coordination in the areas of information-sharing and analysis, logistics support, response coordination and strengthening of relationships with existing regional structures;

HIV/AIDS in the context of emergencies

(i) Urge Member States to implement the Declaration of Commitment on HIV/AIDS,[6] with particular focus on the time-bound targets related to HIV/AIDS in conflict- and disaster-affected regions;

(j) Recognize the important role of humanitarian agencies in addressing HIV/AIDS in the context of emergencies and encourage them to factor HIV/AIDS considerations into their humanitarian coordination and planning efforts, inter alia, in the areas of early warning and contingency planning;

(k) Call upon humanitarian and development organizations to strengthen cooperation in order to ensure that the longer-term developmental implications of the HIV/AIDS epidemic in emergency situations are adequately addressed;

Transition from relief to development

(l) Encourage Member States to recognize that timely, appropriate and sustained support is critical to managing post-conflict transition, including early engagement in planning, more even funding across sectors, and more support for recovery activities, especially capacity-building of local governing institutions, and, in this context, to take note of the Executive Committee on Humanitarian Affairs/United Nations Development Group Joint Working Group on Transition Issues;

(m) Encourage Member States to recognize that the need for coordination increases and becomes more complex in post-conflict transition and call upon Member States to increase support for integrated coordination, which would include information management, inclusive planning, donor coordination, strengthening of the resident coordinator system and the progressive integration of government into coordination mechanisms and processes;

Humanitarian financing

(n) Encourage donors to improve their response to humanitarian emergencies and reinforce their respect for humanitarian principles by establishing agreed principles of good donorship behaviour and practice along with mechanisms for their review;

(o) Encourage donors to allocate funding in proportion to needs and to ensure more equitable distribution of humanitarian assistance to meet global humanitarian needs in their entirety;

(p) Encourage donors to establish stable, predictable and adequate funding to meet humanitarian needs while reaffirming the primary responsibility of States for the victims of humanitarian emergencies within their own borders;

(q) Enhance and support the central and unique role of the United Nations in providing leadership for operations and coordination of international humanitarian action by: increasing the flexibility of funding to include non-earmarked contributions to United Nations organizations responding to humanitarian crises; establishing longer-term multi-year funding; and striving to avoid the use of regular humanitarian budgets for the financing of actions implemented by armed forces.

Notes

[1] Available at http://www.reliefweb.int/w/rwb.nsf.

[2] United Nations *Treaty Series*, vol. 75, No. 973.

[3] Available at http://www.reliefweb.int/w/rwb.nsf.

[4] Available at http://www.unicef.org/media/publications/iasctfplanofaction.pdf.

[5] Data and figures for funding are drawn from a series of ongoing studies on humanitarian financing.

[6] General Assembly resolution S-26/2, annex.